

**BOARD OF SELECTMEN**  
**JANUARY 28, 2013**

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**I. Call to Order/Roll Call**

Chairman Paul Salafia called the meeting of the Board of Selectmen to order at 7:02 P.M. in the Selectmen's Conference Room at the Town Offices. Present at the Regular Meeting: Roll Call: Chairman Salafia-Y and Selectmen Alex Vispoli-Y, Brian Major-Y, Mary Lyman-Y, and Dan Kowalski-Y. Also present: Town Manager Buzz Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

**II. Opening Ceremonies**

Chairman Salafia asked for a Moment of Silence in memory of Bob McQuade, former Department of Public Works Director, followed by the Pledge of Allegiance.

The Town Manager spoke about Bob McQuade who was the Town's DPW Director for thirty years and who was responsible for developing our water/sewer infrastructure that serves the Town well. Bob did a tremendous amount of work and had great insight into what the Town's needs were. The Water Treatment Plant was dedicated to him in 1991 – he said Bob was a real friend to Andover and he will be greatly missed.

**III. Communications/Announcements/Liaison Reports**

The Town Manager made the following announcements:

- ~ The final FY-2014 Budget will be completed by Friday and available online Monday.
- ~ The Governor's cherry sheet numbers have been released and all House 1 numbers tied to the proposed tax reform (over \$2M additional funds for Andover). The tax reform includes a 1% increase in income taxes and a 1% decrease in sales tax. The Town Manager plans to be prudent and present a level-funded budget for Andover next week, not including the additional revenue for Andover, until the Governor's numbers are confirmed.
- ~ The MBTA is in the process of refurbishing two arched railroad bridges in Andover built in 1847 and keeping them in their original arched state. One bridge is located in Ballardvale (near Lowell Junction) and the other is north of the Horn Bridge. There will be no rail service for three days; February 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup>, and busses will be provided to transport people to the station.

Town Clerk Larry Murphy reported that two dates have been proposed for the Special Election for the Senate race to replace Senator Kerry who has been confirmed as Secretary of State. The Primary will be held on April 30<sup>th</sup> which conflicts with the second night of Andover's Annual Town Meeting and the General Election will be held on June 25<sup>th</sup>. He recommended rescheduling the Annual Town Meeting (ATM) to the week after April vacation.

### **III. Communications/Announcements/Liaison Reports (Cont'd)**

Town Moderator Sheila Doherty suggested the ATM be held on Tuesday, April 22<sup>nd</sup> and Wednesday, April 23<sup>rd</sup>. After discussion, the Board of Selectmen's decision is to hold the Annual Town Meeting on May 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> to allow more time to work on issues.

Town Clerk Larry Murphy announced that Friday, February 1<sup>st</sup>, is the last day to register to vote and his office will remain open until 8:00 P.M. February 5<sup>th</sup> is the last day for residents to submit nomination papers for the Town Election.

Mary Lyman thanked the Town Manager for his explanation on the traffic changes to Hidden Road which were very helpful.

Alex Vispoli thanked the Economic Development Council and the Planning Department for their work on the first final draft of the brochure for "Getting Started: A Guide for Doing Business in Andover". Selectman Vispoli reported that he attended the Andover Historical Society's Speakeasy held last week which provided a great overview of Andover with more than 16,000 artifacts of the Town available for viewing. He also said he participated in a walk through Town with National Grid and the Andover Tree Committee to look at trees hanging over wires and prioritize tree trimming.

The Public Information Meeting for re-zoning / relocating the Town Yard will be held at the Public Safety Center on February 7<sup>th</sup> at 7:00 P.M. This is an opportunity for the public to provide input and comments.

Selectmen Major, Kowalski, and Vispoli attended the Annual Meeting of the Massachusetts Municipal Association along with the Town Manager, and Jon Stumpf and Joanne Marden of the Finance Committee. They all attended various workshops.

### **IV. Citizens Petitions & Presentations**

John Zipeto of 14 Canterbury Street, questioned how inclusive the determination is that the Andover Youth Center building be moved, it seems to be an extreme measure and wonders if the Conservation Committee has addressed the issue. Chairman Salafia will look into it and ask the Youth Center Building Committee follow-up.

### **V. Public Hearing**

#### **A. National Grid and Verizon New England, Inc.**

Selectman Vispoli motioned to approve the request of National Grid and Verizon New England, Inc. for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: High Plain Road – Relocate pole #7788 5 feet back, pole #4791 7 feet back and pole #7787 8 feet back; approximate locations shown on Plan #12924861, dated January 18, 2013. They are also requesting permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with

such poles and buildings as each of said petitioners may desire for distributing purposes. The request has been reviewed and approved by the Department of Public Works subject to the condition that a street opening permit must be obtained from the Department of Public Works prior to the commencement of the work. The motion was seconded by Selectman Kowalski and voted 4-1-0 to approve. Selectman Major recused himself from the Public Hearing vote.

The Board and Town Manager discussed their concerns with double-poles still in place across the Town and the lag in the process for removing them. Notifications will be sent to both Verizon and Comcast about removing the double-poles. Chairman Salafia suggested scheduling a meeting with Verizon and Comcast after budget season.

## **VI. Regular Business of the Board**

### **A. Annual Town Meeting Warrant**

The Town Manager said four articles were left off the list for the Annual Town Meeting and distributed a list of the articles to the Board. There are a total of 64 Warrant Articles for the Annual Town Meeting; 61 Town Articles and 3 Private Articles. The Board needs to vote to open the Annual Town Meeting Warrant to insert the four warrant articles and then close to Warrant.

Selectman Major motioned for the Board of Selectmen to open the Warrant for the Annual Town Meeting. The motion was seconded by Selectman Lyman and unanimously voted to approve.

Selectman Major motioned for the Board of Selectmen to include the four Warrant Articles as listed:

1. Andover Youth Center – Amend the Original Warrant Article by Deleting the Size of the Youth Center
2. Andover Youth Center – Transfer of Land
3. Bancroft School – Amendment Without Contingent Debt Exemption
4. Andover Zoning Bylaw Amendment – Watershed Protection Overlay District Establishment.

The motion was seconded by Selectman Lyman and unanimously voted to approve.

Selectman Major asked what the threshold is to require a new vote for the Youth Center. The green footprint was approved for 36,000 sq. ft.-what does the shift away from wetlands look like. The Town Manager said the whole 'Block' moves 35 feet north and the remaining 35 feet will be a driveway for the Fire Department to access the back of the building. It does not affect the track area.

Selectman Major motioned to close the Annual Town Meeting Warrant. The motion was seconded by Selectman Lyman and unanimously voted to approve.

**VI. Regular Business of the Board (Cont'd)**

**B. Andover Community Access Media Agreement – Second Reading**

Selectman Lyman motioned for the Board to authorize the Town Manager to sign the five-year agreement with Andover Community Access & Media for a term beginning January, 2013 through December, 2017. The motion was seconded by Selectman Major and unanimously voted to approve.

**C. Use of School Gymnasium**

The Town Manager reported he has been in discussion with Paul Szymanski, Asst. Superintendent of Finance for the School Department, regarding the use of one school (South) gymnasium for DCS and Youth Services programs during school vacations. A follow-up meeting with the DCS and the head custodian at South School will be held the first week in February to discuss scheduling for April vacation. Paul Szymanski is reviewing the School Energy Policy currently in place by the School Committee.

Selectman Lyman stated it is also important for the school(s) to be available to children in inclement weather during the Summer months and to develop a cooperative relationship with the schools, DCS, and parents who have raised concerns. Kim Stamas of the DCS stressed the need to finalize the decision by March 1<sup>st</sup> in order to make arrangements to use the facilities during April vacation. Chairman Salafia will also speak with the Chair of the School Committee regarding the current policy in place. The Town Manager said they are working on a Memo of Understanding to revise the existing policy to allow use of the facilities during school vacation time in the Winter with all facilities to be addressed for summer and school vacations.

**D. Town Accountant – Update – Hold**

**E. Work Session – Town Yard**

The Town Manager reported a Public Hearing will be held on February 7<sup>th</sup> and February 21<sup>st</sup> – the 7<sup>th</sup> at the Public Safety Center and the 21<sup>st</sup> at Memorial Hall Library at 7:00 P.M. to discuss rezoning of the Town Yard. Abutters and neighbors have all been contacted. The bid for proposals for possible sites for the Town Yard went out in the fall and four proposals were received just two weeks ago. Two did not meet the requirements and two were for land without the building. The Board of Selectmen is working towards a solution and Town Meeting will provide a direction needed to proceed.

**VII. Consent Agenda**

**A. Common Victualler Licenses**

Selectman Major motioned to approve the request of the Sonesta International Hotels Corporation, d/b/a Sonesta ES Suites Andover, 2 Newton Place, Newton, MA, for a Common Victualler license for use at 4 Technology Drive, Andover, and also the request of Michael Spinah, d/b/a Simply Gourmet Ltd., 52 River Street, Boston, MA, for a Common Victualler license for use at 10 New England Business Center Drive, Andover.

## VII. Consent Agenda (Cont'd)

The requests have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

### B. Change of Manager

Selectman Vispoli motioned to approve the request of the Courtyard Management Corporation, 610 Smithfield Street, Suite, Pittsburgh, PA, d/b/a Courtyard by Marriott Hotel, 10 Campanelli Drive, Andover, for a Change of Manager on their All-Alcoholic Innholders License. The new designated Manager will be Tara Bassett. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

### C. Vehicle for Hire License

Selectman Lyman motioned to approve the request of Tayhi Karbassi, d/b/a Universal Choice, LLC, 26 River Road, Andover, for a Vehicle for Hire License for one vehicle. The request has been reviewed and approved by the Police Department, Inspector of Buildings and Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Major and voted 5-0 to approve.

### D. Amateur Boxing Night

Selectman Major motioned to approve the request of Sharon M. Birchall, on behalf of the Exchange Club of Lawrence, Post Office Box 552, Lawrence, MA, for a license waiver under MGL Chapter 101, Section 12A, to conduct a night of amateur boxing at the Wyndham Andover Hotel, 123 River Road, Andover, on Friday, April 12, 2013 from 8:00 P.M. to 11:00 P.M. The event has been sanctioned by the State Boxing Commission. The motion was seconded by Selectman Vispoli and voted 5-0 to approve.

### E. Appointments and Re-appointments

On a motion by Selectman Kowalski and seconded by Selectman Lyman, the Board of Selectman unanimously voted to approve the following appointments by the Town Manager:

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
Julia N. LeBlanc	Basketball Referee – PT	C2A/\$8.00/hr.	1/14/13
Nicholas A. Gentile	Basketball Referee – PT	C2A/\$8.00/hr.	1/10/12
Timothy R. Awiszus	Bradford Ski Monitor – PT	C2A/\$8.00/hr.	1/10/13
Max D. Correra	Bradford Ski Monitor – PT	C2A/\$8.00/hr.	1/16/13

**VII. Consent Agenda (Cont'd)**

**E. Appointments and Re-appointments (Cont'd)**

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
Michael A. Giannone	Bradford Ski Monitor – PT	C2A/\$8.00/hr.	1/16/13
<u>YOUTH SERVICES</u>			
Maxwell R. Dowe	Counselor I – PT	C2C/\$8.50/hr.	1/9/13
<u>MEMORIAL HALL LIBRARY</u>			
Abigail Smith	Page – PT (v. K. Bergmeier-Esterberg)	L1/1/\$8.00/hr.	1/29/13

**VIII. Approval of Minutes from Previous Meetings**

On a motion by Selectman Kowalski and seconded by Selectmen Major it was voted 5-0 to approve the Regular Meeting Minutes of November 19, 2012 as amended, and the Regular Meeting Minutes of January 7, 2013 and the January 14, 2013 Work Session w/Planning Board & Special Meeting as presented.

**IX. Adjournment**

At 8:29 P.M. on a motion by Selectman Major and seconded by Selectman Vispoli, the Board unanimously voted to adjourn from the Regular Meeting of January 28, 2013.

Respectfully submitted,

Dee DeLorenzo, Recorder

Documents: Annual Town Meeting Warrant Articles to be inserted